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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPEAL NO.789 OF 2004

The Commissioner of Income-Tax ..Appellant.

V/s.

M/s.Bank of India ..Respondent.

Mr.P.S.Sahadevan for appellant.

Mr.S.S. Shetty for respondent.

CORAM : F.I.REBELLO AND
J.P.DEVADHAR, JJ.

DATED : 11TH SEPTEMBER, 2007.

P.C. :-

Considering the liberty granted by the Tribunal as set out in para 4 of the order dated 18th September, 2003 the question of law as formulated in the present case would not arise. Appeal is liable to be dismissed.

2. Liberty granted in terms of order granted by the Tribunal.

3. Appeal is dismissed with no order as to costs.

(J.P.DEVADHAR, J.) **(F.I.REBELL0, J.)**